

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**DARVETTE SMITH, NATALIE
HODOROVYCH, ERIN BOX, and
BLAKE BREZINSKY, individually and
on behalf of a class of others similarly
situated,**

Plaintiffs,

v.

FAMILY VIDEO MOVIE CLUB, INC.,

Defendant.

Case No. 11-cv-1773

Hon. John Z. Lee

Magistrate Judge Cole

**PLAINTIFFS UNOPPOSED MOTION FOR ATTORNEYS' FEES, RECOVERY OF
OUT-OF-POCKET COSTS, AND SERVICE AWARDS**

Plaintiffs, Darvette Smith, Natalie Hodorovych, Erin Box, and Blake Brezinsky ("Named Plaintiffs"), on behalf of themselves and others similarly situated ("Plaintiffs") hereby move the Court to award Class Counsel \$66,000 in compensation for attorneys' fees and costs, and grant service awards of \$1,000 to each of the four Named Plaintiffs, as provided in paragraphs 11(d) and (e) of the Settlement Agreement in this case. *See* ECF No. 494-1 at 5.

As explained in the accompanying Memorandum of Law and the Declaration of David M. Berger in support thereof, the Parties' proposed settlement provides that Class Counsel will move the Court for \$66,000 in payment for all of their attorneys' fees and expenses. This case was very actively litigated by Plaintiffs and Defendants over nearly seven years and involved extensive motion practice, discovery, and briefing to this Court and briefing to the Seventh Circuit Court of Appeals. Class Counsel have spent over 5,300 hours litigating this case and they have submitted evidence showing their out-of-pocket expenses

totaled \$154,182.73. Because the proposed settlement provides for direct cash payments to the class and collective members that equal or exceed the maximum damages they could hope to obtain at trial, *see* Motion for Preliminary Approval, and because the claims at issue mandate fee-shifting, the requested award of only a portion of Class Counsel's out-of-pocket expenses is reasonable.

The Named Plaintiffs also move the Court to grant them service awards of \$1,000 each in recognition of their years of work representing the class and collective action members. As described in the memorandum in support of this motion, the Named Plaintiffs played active roles in this case and helped achieve a complete recovery for the class and collective members at substantial risk to themselves. Further, the service awards requested are reasonable compared with the amounts granted in analogous cases. Accordingly, Plaintiffs respectfully request that the Court grant their unopposed motion, award Class Counsel \$66,000 in attorneys' fees and costs, and award each of the four Named Plaintiffs \$1,000 service awards.

Respectfully Submitted

Dated: November 29, 2017

GIRARD GIBBS LLP

By: /s/ David M. Berger

Eric H. Gibbs (*pro hac vice*)
David M. Berger (*pro hac vice*)
Scott Grzenczyk (*pro hac vice*)

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on November 29, 2017, a true and correct copy of the foregoing *Plaintiffs' Unopposed Motion for Attorneys' Fees, Recovery of Out-of-Pocket Costs, and Service Awards* was filed electronically via CM/ECF, which caused copies to be delivered to all counsel of record.

By: /s/ David M. Berger
David M. Berger